

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

IN RE: INSULIN PRICING LITIGATION

This document relates to:

*Boilermakers Local 744 Health & Welfare
Fund, v. Eli Lilly and Company, et al.*
Case No. 2:25-cv-00457-BRM-RLS

Self-Funded Payer Track

Case No. 2:23-md-03080 (BRM)(RLS)
MDL No. 3080

JUDGE BRIAN R. MARTINOTTI
JUDGE RUKHSANAH L. SINGH

**PLAINTIFF'S RESPONSE TO DEFENDANTS' NOTICE OF MOTION FOR ENTRY
OF ORDER TO SHOW CAUSE AND PROPOSED ORDER AND THE COURT'S
ORDER DATED MAY 6, 2025**

Plaintiff, Boilermakers Local 744 Health & Welfare Fund, hereby files this Response to Defendants' Motion for Entry of Order to Show Cause and this Honorable Court's Order dated May 6, 2025, and, for the reasons stated herein, respectfully request that the Court find Defendants' Motion moot as to Plaintiff.

1. Plaintiff brought the above-captioned lawsuit against Defendants Eli Lilly and Company; Novo Nordisk Inc.; Sanofi-Aventis U.S. LLC; CVS Pharmacy, Inc.; Caremark Rx, LLC; Caremark LLC; CaremarkPCS Health, LLC; Express Scripts, Inc.; Express Scripts Administrators, LLC; Medco Health Solutions, Inc.; ESI Mail Pharmacy Services, Inc.; Express Scripts Pharmacy, Inc.; and OptumRx, Inc. (collectively "Defendants"), on January 14, 2025.

2. On April 14, 2025, Plaintiff notified Defendants that it would be dismissing the captioned case.

3. On April 23, 2025, Defendants filed their Notice of Motion for Entry of Order to Show Cause and Proposed Order. (ECF No. 521, Case No. 2:23-md-03080 BRM-RLS, attached hereto as Exhibit A).

4. On April 25, 2025, Plaintiff filed a Notice of Voluntary Dismissal Pursuant to F.R.C.P. 41(a)(1)(A)(i) and this Honorable Court's Order of Dismissal. (ECF Nos. 009 and 010, Case No. 2:25-cv-00457 BRM-RLS, attached hereto as Exhibit B).

5. On May 6, 2025, this Honorable Court issued its Order to Show Cause as to various Plaintiffs, including the Plaintiff in the captioned case. (ECF No. 546, Case No. 2:23-md-03080 BRM-RLS, attached hereto as Exhibit C).

WHEREFORE, Plaintiff respectfully requests this Honorable Court dismiss the Order to Show Cause as to Plaintiff as Defendants' Notice of Motion for Entry of Order to Show Cause is no longer relevant to the proceedings and therefore moot in light of Plaintiff's voluntary dismissal of the captioned case on April 25, 2025.

Respectfully submitted,

By: /s/ Brian D. Schall

James L. Ferraro (0076089)
John Martin Murphy (0066221)
Shawn M. Acton (0072675)
Joyce Chambers Reichard (0096422)
Brian D. Schall (0087359)
KELLEY FERRARO, LLC
950 Main Avenue, Suite 1300
Cleveland, Ohio 44113
Telephone: (216) 575-0777
jmurphy@kelley-ferraro.com
sacton@kelley-ferraro.com
jreichard@kelley-ferraro.com
bschall@kelley-ferraro.com

For good cause shown, the above request is hereby GRANTED.

SO ORDERED this 12th day of May 2025.



RUKHSANA L. SINGH, U.S.M.J.

*Attorneys for Plaintiff, Boilermakers Local
744 Health & Welfare Fund*